

EDUCATION WEEK

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E.D. Expanding Its Database on Private Schools

Research 'Neglected' Sector, Official Says

By Kirsten Goldberg

WASHINGTON—The Education Department is sharply escalating its efforts to gather data on private schools and is promising to make a greater attempt to disseminate the information.

At a Nov. 18 meeting here, department officials told researchers that several surveys scheduled for release beginning early next year would significantly improve the amount and type of data available on private schools and their teachers, administrators, students, educational programs, and school "effectiveness."

Emerson J. Elliott, acting commissioner of the National Center for Education Statistics, which sponsored the meeting, said the enhanced effort was based on the fact that "a big piece of American education is private education."

Data collection on private schools, he said, "has been relatively neglected at N.C.E.S.," mainly due to its expense. But in recent years, there has been more interest in studying private schools, Mr. Elliott said, because they raise "a lot of provocative issues" for public education.

He urged the approximately 35 private-school researchers to "order the [data] tapes, read the papers, write your own papers, but most of all, give us a critique."

The meeting had been requested by Associates for Research on Private Education, a special-interest group of the American Educational Research Association Group.

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Librarians Plug Into the 'Information Age'

Seek 'Central' Curriculum and Policy Role

By Robert Rothman



Montgomery County pupil using on-line catalog.

Beginning this week, the Quince Orchard High School's library will expand into students' homes.

The Gaithersburg, Md., school is establishing a network that will link computer users—in the library, throughout the school, and at home—with its computerized catalogue and with those of neighboring schools. The network will also allow users to gain access to a host of reference books whose contents are stored on compact disks.

At the same time, other Quince Orchard students will begin classes in the library's television studio. These students will broadcast school events, art shows, and plays directly into classrooms. And they will write, direct, and produce a twice-weekly news program.

The new suburban-Washington high school is at the forefront of a movement that librarians say has radically transformed their profession.

By instructing students in the use of new technologies and new ways to

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'Explosion' in School Lawsuits Has Ended, 2 Unpublished Studies Find

By Tom Mirga

WASHINGTON—The nation's appellate and supreme courts are accepting fewer lawsuits against school officials than they did during the 1960's and 1970's, and administrators seem to be winning a much higher percentage of them, two new studies by leading school-law experts have found.

The authors of the unpublished reports, which were outlined here Nov. 18 at the annual convention of the National Organization on Legal Problems of Education, said their findings indicate that "the pendulum is beginning to swing back" following an "explosion" in the number of school-related

cases from 1960 to 1979.

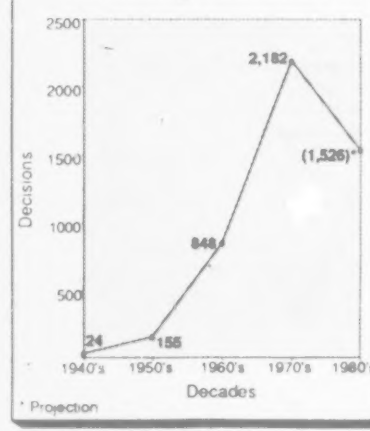
In recent years, a number of prominent educators have complained that judicial interference in school management has created a bureaucratic morass and has stifled school improvement.

In a speech to the American Bar Association last February, for example, former Secretary of Education William J. Bennett argued, "It's time to declare a broad consensus that the first purpose of education law is to enhance education. . . . Educational decisions should be made by educators, not lawyers."

The researchers speculated that the de-

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Federal-Court Decisions Affecting Education



SOURCE: Zirkel & Richardson (in press)

Vermont Chief Eyes A Teacher-Majority Licensure Board

By Lynn Olson

Vermont's commissioner of education has proposed creating one of the nation's first teacher-dominated state licensing boards as part of a sweeping overhaul in how the state sets standards for teachers and administrators.

But the proposal met with mixed reactions last week from the president of the Vermont affiliate of the National Education Association, who said the creation of a teacher majority on the new board would be "meaningless" as long as the state board of education retained the right to enact or reject the licensing board's policies.

The heated debate over how much authority teachers should have to set the standards for their profession is likely to be replayed in numerous states in the years ahead.

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Washington State Educators At Odds Over Plan for Conduct Code

By Lisa Jennings

Despite intense public pressure to toughen policies regarding teachers who have been charged with molesting children, Washington State education officials have reached an impasse in the development of an unusually explicit "code of professional conduct."

The proposed document, which is being developed by an ad hoc advisory committee to the state board of education, is intended to provide a precise definition for "unprofessional conduct" in the state—and thus unambiguous grounds for termination of cer-

tification.

But organizations representing administrators, teachers, and school boards have not been able to agree on the details of a code that would both protect students from the grossly unethical behavior of some educators and shield educators from "witch hunts" that could cost them their careers.

Their discussions, participants said, stumbled on a tangle of conflicting views, with many administrators arguing that the code would tie the hands of local officials wishing to impose a possibly higher standard. Teacher representatives, meanwhile, contended that the code's language on per-

sonal morality is an undue regulatory intrusion into private life.

If an agreement is reached, however, Washington will join California and Florida in the forefront of the growing number of states that have moved to regulate standards of behavior traditionally determined by circumstance and the judgment of local districts.

Washington's new code, which would apply to public- and private-school educators licensed by the state, would be the first of its kind to be created under the authority of a state board. Other states typically

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Two teachers' unions file suit to block the Boston University management plan

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No Pass, Big Plays?

At football-playoff time, a grade-tampering charge in Dallas stirs passions.

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Against Remediation

There is a better route for the at-risk child, say backers of "accelerate" schools.

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Surprise in Michigan

The governor upsets the school-finance consensus by offering a plan of his own.

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IN SUMMARY

Sharing Ideas on Dropouts

Frustrated in their attempts to win new federal grants for dropout-prevention programs, Georgia school officials met recently to try a different approach: the creative sharing of ideas. **Page 7.**

Ending the 'Ratings Game'

The presidents of the American Council on Education and the College Board have called on school officials and the media to stop using admissions-test scores to rank colleges and universities. **Page 8.**

Options on Texas Finance

A deeply divided state panel charged with developing a new school-finance system has offered three plans, none of which would satisfy a ruling that struck down the current system. **Page 10.**

Cavazos Stays On

Fulfilling a widespread expectation in the nation's capital, President-elect George Bush announced last week that he would retain Lauro F. Cavazos as secretary of education. **Page 13.**

E.D. Guidance Faulted

The Education Department has caused confusion by failing to give uniform guidance to state and local participants in its programs, a new General Accounting Office report contends. **Page 13.**

Dissension on Child Care

An Education Department meeting aimed at developing a consensus on child-care issues has underscored the wide differences among early-childhood professionals and policymakers. **Page 14.**

Principals and Partnerships

Principals particularly want business and community partnerships to provide their students with incentives and schools with equipment, a federal survey has found. **Page 15.**

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ACROSS THE NATION

NATIONAL

Presidential Panel Urges Public, Private Support for the Arts

The federal government should preserve "the complex system of public and private funding that sustains the arts and humanities in the United States," a Presidential panel has recommended.

"The main vehicle for support of the arts and humanities remains private monies," the President's Committee on the Arts and the Humanities states in a report issued this month. "We firmly believe government support is necessary, however, for it seems clear that the culture of this country cannot be sustained solely by private funding."

The 34-member panel urged the Administration to "guard against diminishing incentives" to charitable giving, to provide "sufficient" appropriations for grants, and to create an Internal Revenue Service data base on contributions to the

arts and humanities.

In addition, the panel called for the development of cooperative programs to promote the fields. It cited as examples Collaboratives for Humanities and Arts Teaching, a Rockefeller Foundation program that supports humanities education in seven cities and two states, and the History Teaching Alliance, a project in more than 20 states that links high-school teachers with college and university historians.

The panel, established in 1982, includes Secretary of Education Lauro F. Cavazos; Lynne V. Cheney, chairman of the National Endowment for the Humanities; Frank Hodsoll, chairman of the National Endowment for the Arts; and other leaders from business, government, and the arts.

Future Farmers Adopt Changes In Response to Critical Report

When members of the Future Farmers of America gathered this month for their annual conference, they took some steps to counter criticisms that the organization's name, sym-

bols, creed, and programs are outdated.

A study released by the National Research Council this fall said the 400,000-member organization, which is the nation's largest student group, "needs to change its image" to broaden its "nearly exclusive focus on traditional production agriculture."

In response, the group adopted an amendment to its constitution that allows state associations and local chapters the freedom to emphasize the letters "FFA" more than the formal title of the organization.

"This will give inner-city and suburban chapters the freedom to refer to their members in a more accurate way," according to a prepared statement. The N.R.C. report had argued that such an approach would not be adequate, saying, "To the public the full name and the initials are well known and interchangeable."

A second amendment approved by the members replaces the term "vocational agriculture" with "agricultural education."

"Consequently, many of the organization's symbols, traditions, and ceremonies will require modification," the statement said.

STATES

A Majority of Mississippi Graduates Called Unprepared for College

Less than one-third of the students who graduated from Mississippi high schools in 1986 took enough academic courses to qualify for admission to the state's university system, according to estimates contained in a new report by the NAACP Legal Defense and Educational Fund Inc.

Approximately 38 percent of white students and only 20 percent of black graduates met the academic-curriculum requirements adopted in 1985 by the state's Board of Trustees of the Institutions of Higher Learning, the report says.

Phyllis McClure, a director of the Legal Defense Fund who presented the report to the state board of education, said that

school officials "are not making an effort to tell people exactly what the requirements are" for university admission.

The disparity between the proportions of white and black students taking the college-preparatory track, she said, is partly due to the lower expectations many educators hold for children from disadvantaged backgrounds.

The report recommends that the state begin keeping data on the rates of student enrollment in the college curriculum and require school districts to achieve targets for increasing student participation in such courses.

Georgia Board Taking Second Look At New 'No Pass, No Play' Policy

The Georgia Board of Education, acting less than a year after its "no pass, no play" rule took effect, has begun to reconsider the

policy, which bars high-school students who fail to stay "on track" for graduation from participating in any extracurricular activities for a full year.

Since the rule took effect, the board has heard numerous appeals from parents asking for a revision in what they see as a punitive policy, said Gene Norton, division director of regional educational services in the state education department. It is also the general feeling of the board, he said, that the policy "may be a little more than what's needed."

Mr. Norton's office has been asked to propose alternatives to the current policy. One option, he said, would be to allow a student who is off track, but was promoted anyway, to participate in extracurricular activities provided he or she passes all six subjects in the first semester.

The proposals will be presented to the board at its December meeting.

DISTRICTS

Philadelphia Administrators' Pact Includes New Merit-Pay Plan

The Philadelphia Board of Education has approved a new salary package for principals and other administrators that includes a 19 percent salary increase over a four-year period, plus a first-ever provision for merit bonuses.

Beginning in 1990, principals who perform well will receive a bonus of at least 1 percent. Because the appraisal system will not be developed before Jan. 1, all 770 principals and assistant principals will share equally in the \$359,170 merit-pay fund next year.

Under the salary plan, elementary-school principals by 1992 will receive up to \$64,600, while their high-school colleagues will earn \$72,700.

William Thompson, a spokesman for the district, said the compensation package is the result of collaborative discussions between principals and the board—one of several efforts to encourage collaboration in the district.

The new harmonious atmosphere has replaced years of acrimonious disputes between administrators and the board over salaries and other concerns. In late 1986,

administrators affiliated with the Teamsters Union to signal their displeasure.

South Carolina District Fails To Bar Newspaper Use of Grand-Jury Data

A South Carolina judge last week declined to prevent a local newspaper from publishing information about a grand-jury investigation of the Jasper County school board.

Board members had filed a civil suit against the editor of *The Low Country Times*, seeking to restrain the paper from publishing further excerpts from the grand jury's investigative report, attorneys said.

Although the grand-jury report, issued in January, did not indict any school-board members, it reportedly was critical of the board's financial practices.

The document had been sealed by the court. Copies were made available, however, to the school board and the county council.

The newspaper, which received a copy of the report through an anonymous source, had published excerpts and a story about the investigation on Nov. 9.

Last week, the circuit court judge dismissed the case on procedural grounds. The newspaper then published a full report on the investigation.

Three Michigan school employees falsified attendance records so their

district would get more state education aid, according to a grand-jury indictment.

Kathleen Lyons, Barbara Blanton, and Holbert Hamrick Jr. of the Wayne-Westland Community Schools were indicted on misdemeanor charges of conspiracy and falsifying student records. It was said by county prosecutors to be the first time that school employees had been charged with attempting to defraud the state by inflating attendance figures.

The district has repaid the state education department \$665,000 in aid fraudulently collected on behalf of prisoners who transferred out of adult-education programs, nursing-home patients, and people too feeble or disabled to attend classes.

If convicted, the defendants face up to two years in prison on each charge, and a five-year revocation of their teaching privileges.

A Port Arthur, Tex., school-bus driver died last week after being shot by a 10-year-old elementary student.

The victim, Russell Jean Hampton, 40, was shot twice in the head by the student, whose name was not released.

According to Joe M. Pitts, the Port Arthur superintendent, the boy had missed his morning bus and was riding his bicycle away from school when he was spotted by Ms. Hampton, who was returning her bus

'Explosion' in School Lawsuits Is Over, Studies Find

Continued from Page 1

cline in school-related cases is due primarily to President Reagan's appointment of conservative judges to the U.S. Supreme Court and to the lower federal bench. Mr. Reagan has appointed more judges than any of his 39 predecessors.

They also attributed the trend to a growing propensity among judges to defer to administrators in educational disputes, and to the wider use of arbitration and other alternative dispute-resolution methods.

Cases Tallied

The first study, by Perry A. Zirkel of Lehigh University and Sharon N. Richardson of the Springfield Township (Pa.) School District, tallied all reported state- and federal-court opinions affecting precollegiate education dating back to the 1940's. They were able to count only appellate- and supreme-court decisions because trial-court rulings typically are not published.

The researchers found that the number of state- and federal-court decisions jumped from 3,744 during the 1960's to 6,862 during the 1970's, a 45 percent increase. They project, however, that by the end of this decade the number of such rulings will drop to 6,470, a 5.7 percent decline.

Mr. Zirkel, a professor of law and education, and Ms. Richardson, an assistant superintendent and lawyer, said the trend was most pronounced in the federal appellate courts and the U.S. Supreme Court. In those forums, the number of published opinions is expected to drop by some 30 percent, from 2,182 during the 1970's to 1,526

Trend is most pronounced in the federal courts, say researchers.

during the 1980's.

At the state-court level, the number of decisions is expected to increase by only 5.3 percent this decade, following a 38 percent jump from the 1960's to the 1970's.

Patterns of Change

The study also divided all of the cases among five categories to examine patterns of change in the rates of litigation. The subgroups were school desegregation; all other suits of a systemwide nature, such as school finance; employees; special education; and all other suits involving students.

At the federal level, the number of opinions is expected to decline in this decade relative to the 1970's in all categories except special education. That area of litigation, which is being fueled by the Education of the Handicapped Act of 1971 and related laws, is expected to continue rising, from 2 cases in the 1960's, to 22 in the 1970's, to 342 in the 1980's.

In state courts, desegregation lawsuits are expected to decline, from 43 cases in the 1970's to 16 in the 1980's. Other systemwide suits are expected to remain steady at about 2,400. Employee lawsuits are

expected to rise, from 1,778 to 2,062, as are special-education cases, from 40 to 99. Suits involving other students are expected to fall, from 410 to 307.

School Officials Winning

In a second part of the study focusing on U.S. Supreme Court decisions, Ms. Richardson found that administrators are more apt today to be on the winning side than they have been since the 1950's.

According to her analysis, in the 1950's the Court issued rulings in eight school-related cases in which there was a clear victor. Administrators won five and lost three, giving them a 64 percent winning percentage.

Mr. Richardson did similar tabulations for the next three decades. In the 1960's, administrators won only 2 cases and lost 18, for a 10 percent win percentage. In the 1970's, the percentage climbed back to 30 percent (13 wins and 30 losses), and as of July it had risen to 53 percent for

this decade (19 wins and 17 losses).

Mr. Zirkel noted that his co-author's findings probably reflect a similar trend in lower state and federal courts because those courts are bound to follow the Supreme Court's precedents and because the Justices set the tone for the rest of the nation's judiciary.

Student Discipline

The second study, by Henry Lufier Jr. of the University of Wisconsin-Madison, focused solely on state- and federal-court decisions in cases stemming from the suspension and expulsion of students.

According to Mr. Lufier, assistant dean of the university's school of education, the number of published state and federal appellate-court decisions in this area peaked in 1970, when it reached 26. It then declined steadily until it reached 5 in both 1982 and 1983, rose to 15 in 1986, then dropped back to 10 in 1987.

The study also found that school officials won 60 percent of these

cases in the years 1965-69, 55.1 percent in 1970-74, 55.5 percent in 1975-79, 58.8 percent in 1980-84, and 66.7 percent in 1985-87.

"No evidence of a 'litigation explosion' is evident from an examination of 23 years of suspension and expulsion cases," Mr. Lufier concluded. "There has been a substantial movement of court attention from area to area," such as from dress codes in the 1970's to drug and alcohol abuse in the 1980's, "with new subject topics emerging. . . . Each issue seems to have a life of its own and then fades in its importance."

Mr. Lufier also noted that policymakers and the media tended to overstate the likely ramifications of the Supreme Court's rulings in the 1970's regarding the due-process rights of students facing punishment, having predicted wrongly that those decisions would prompt a wave of suits.

"Given the impact of commentaries about litigation rates on teachers and administrators, commentators should avoid becoming mesmerized by increases in one area, or by offering comments based on isolated groups of cases," he suggested.

An Educator Speaks

by Ted Elsberg

President, American Federation
Of School Administrators
AFL-CIO



The Education President?

Throughout his campaign for the White House, George Bush reiterated his hope that once elected he would become known as "the education president." "All right, Mr. Bush, the ball is now in your court, and we will follow your progress eagerly during the coming years as you attempt to make a positive impact on our nation's schools."

It's not necessary, however, for Mr. Bush to form the standard committees ("round up the usual suspects") and delay progress in the critical area of education while he smothers us with reams of reports. The issues have already been pored over, analyzed, compartmentalized, and computerized; the solutions have been elicited, affirmed, publicized and embraced. Now is the time for a forward-looking leader, who has the commendable ambition to be remembered as "the education president," to earn that noble title.

The 59 elementary and middle school educators who were named as this year's National Distinguished Principals have pointed the way for Mr. Bush and his Secretary of Education. Those principals, selected by their peers in an annual competition which was sponsored by the Education Department, have put forth a progressive statement which should serve as a guide for our federal executive and legislative branches, as well as for the state leaders who have prime responsibilities for education programs.

The prize-winning principals announced that their tasks would be made easier if the federal government provided the funding to enable the states to fulfill their mandates. With such support from Washington, the principals say we could have:

- Increased pre-school and early education pro-

grams in all schools

- Classes of 15-20 in Grades K-3
- Developmentally appropriate, full-day kindergartens
- High quality before- and after-school care
- Programs for parenting
- Decent salaries to attract and hold teachers and supervisors

In addition to those basic objectives, one of our own locals of supervisors and administrators has spelled out a series of general proposals in a 1988 pamphlet, "Toward Excellence In Urban Public Schools." Those who control the national and state purse strings would do well to heed these recommendations:

- Child care for young children of teachers
- Tuition loan forgiveness for graduates teaching in urban schools for five or more years
- Summer programs with stipends for disadvantaged youngsters
- Rehabilitation facilities for disruptive youngsters and those involved in drug abuse
- Occupational training to retain prospective dropouts
- Expanded program of health services in schools and communities
- Fully funded programs for Special Education pupils and those with limited English proficiency
- Improved working conditions for all teachers and supervisors suitable to their status as professionals
- Involvement of the business community in the life of the school

The challenge is clear, our hopes are high. We plan to keep our eyes on the Oval Office to see whether exciting initiatives match the campaign rhetoric.

Comments may be sent to: AFSA, 853 Broadway, New York, NY 10003

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